



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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07/914,386 07/17/92 GRAWE

J 60831/101

EXAMINER
SPRINGER, D

12M2/0708

FOLEY & LARDNER
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ART UNIT PAPER NUMBER

1201

DATE MAILED: 07/08/93

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 1 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTD-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-35 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-35 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed on _____, has been ☐ approved. ☐ disapproved (see explanation).
12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

FILE

Serial No. 07/914,386

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Claims 1-35 are pending.

Claims 1-35 are rejected under 35 USC 112, paragraph one, as having inadequate enablement as to how to (1) use and (2) make; (1) use of solid state matrix embracing the Markush groups of claims 15-17 or the generic term "solid state matrix" has not been shown with sufficient teaching and enablement to provide reasonable assurance that the markush, ^{group of compounds thereof or} anything within the definition thereof, possess the utility urged; (2) sources of solid state matrix and its starting materials has not been shown with the particularity required by the statute. ^{In re} Howarth 210 USPQ 689 and Ex Parte Moersch 104 USPQ 122.

Claims 1-35 are rejected under 35 USC 112, paragraph ^{two} ~~one~~; as indefinite in the terms; (a) "a lead contaminant" ^{>5} only lead oxide and lead halides have been shown to be so removed, (b) "surface comprising" is indefinite since the surface must have adsorbed or absorbed the lead oxides or halide contaminant, ^{and} "comprising" ^[etc.] essentially included solid lead oxide, thus including substances and compounds and removal thereof that are undescribed, (c) "allowing composition to solidity" consists of minutes or days and is ^{is} ~~this~~ indefinite in duration and ^{is} (d) functional for solidification time, (e) "contaminant detecting compound" is indefinite as it fails to set metes and bounds as to what is and what is not operable, but leaves this for others to so determined by subsequent undue experimentation, ~~of others~~ ^{and}

Art Unit 1201

similarly (f) "liquid state composition" and ^(g) "solid state matrix" derived therefrom are ~~similarly~~ without metes and bounds.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1-35 are rejected under 35 USC 103 as unpatentable over Japanese patents JP 59189200 and JP

8426666 (840215) provided by applicant which teach applying a

polymeric ^{substrate that is} ~~substrate~~ ^{to a surface} ~~drayable or curable~~ containing lead contaminant, ^{with the} ~~with the~~ ^{color} ~~color~~ indicating agents and ^a ~~basic~~ inorganic (^{low} ~~high~~ NH_3NaOH) chemical

therein capable of reacting with the lead contaminant then

subsequently peeling off or removing the lead contaminant

containing polymer matrix. *no patentable distinction over these teachings singly or in combination is seen.*

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Any inquiry concerning this communication should be directed to Examiner Springer at telephone number (703) 308-1235.

Springer:lb
June 14, 1993

David B. Springer
David B. SPRINGER
PRIMARY EXAMINER
ART UNIT 1201